

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF ILLINOIS, EASTERN DIVISION

UNITED STATES OF AMERICA

v.

ANTONIO GARCIA,
also known as Marco Saavedra

(Name and Address of Defendant)

FILED

J.N. 5-29-08
MAY 29 2008

MICHAEL W. DOBBINS
CLERK, U.S. DISTRICT COURT

MAGISTRATE JUDGE
GERALDINE SOAT BROWN

CRIMINAL COMPLAINT

CASE NUMBER

08CR

431

I, the undersigned complainant being duly sworn state the following is true and correct to the best of my knowledge and belief. On or about May 20, 2008 in Will county, in the Northern District of Illinois defendant(s), (Track Statutory Language of Offense)

an alien who had previously been deported and removed from the United States on or about October 25, 2002, was present and found in the United States without having previously obtained the express consent of the United States Attorney General, and at anytime after February 28, 2003, from the Secretary of the Department of Homeland Security, for reapplication by the defendant for admission into the United States;

in violation of Title 8 United States Code, Section(s) 1326(a)

I further state that I am a(n) Deportation Officer and that this complaint is based on the following facts:

Official Title

facts:

See attached Affidavit.

Continued on the attached sheet and made a part hereof: X Yes No

Signature of Complainant

Sworn to before me and subscribed in my presence,

May 29, 2008
Date

at Chicago, Illinois
City and State

Geraldine Soat Brown
Name & Title of Judicial Officer

Signature of Judicial Officer

STATE OF ILLINOIS)
)
COUNTY OF COOK) SS

AFFIDAVIT

I, Fernando Ramos, the undersigned affiant, first being duly sworn upon oath, hereby depose and state the following:

1. I am a Deportation Officer with the United States Department of Homeland Security, Immigration and Customs Enforcement (ICE). I have been employed by this agency, or the legacy Immigration and Naturalization Service (INS), for almost twelve (12) years. I am currently assigned to the Chicago, Illinois ICE Office.

2. In my employment, I am assigned to investigate alleged violations of the Immigration and Nationality Act, including activities which constitute the illegal re-entry of aliens into the United State after such aliens have previously been lawfully deported from the United States.

3. This affidavit is made in support of the issuance of a Criminal Complaint against Antonio GARCIA AKA Marco SAAVEDRA.

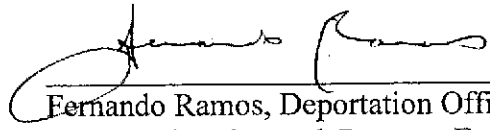
4. On or about March 17, 2008, following a conviction GARCIA, under the alias name Marco SAAVEDRA, was received at the Stateville Correctional Center located in Lockport, Illinois notified Immigration Enforcement Agent (IEA) Chris Dix, of the Chicago, Illinois ICE Office, that a possible illegal alien was in their custody on local charges. The possible illegal alien was identified as Antonio GARCIA (GARCIA), a previously deported aggravated felon from Mexico. IEA Dix then placed an administrative ICE detainer for GARCIA with Stateville Correctional Center. On May 20, 2008, after completion of GARCIA was received into ICE custody per said detainer.

653

5. On May 20, 2008 the ICE administrative processing of GARCIA was completed by IEA Adam Masztak. Prior to questioning, GARCIA was advised of his constitutional rights as per Miranda, and agreed to answer questions without an attorney present. During questioning, GARCIA stated that he was previously convicted of possession of drugs, and that he was lawfully deported from the United States to Mexico. GARCIA admitted that he reentered the United States without the permission of the Secretary of Homeland Security or his predecessor the United States Attorney General after his deportation. GARCIA also stated that he illegally reentered the United States at or near Nogales, California. GARCIA's fingerprints were submitted into the ICE IDENT system and IAFIS system. The results showed GARCIA was the same person who was removed from the United States to Mexico previously on October 25, 2002, according to ICE A file number 78-867-210.

6. I received the alien registration file (A78-867-210) of GARCIA on May 28, 2008. The file shows that GARCIA is a native and citizen of Mexico who was lawfully deported from the United States to Mexico on October 25, 2002. The file contains no record of GARCIA requesting permission to apply for readmission to the United States from the Secretary of Homeland Security, or his predecessor the United States Attorney General, after his deportation. Further review of the file revealed that GARCIA was convicted, prior to his deportation, of Aggravated Battery/ Great Bodily Harm, on July 30, 2002, in Cook County, Illinois and was sentenced to serve two (2) years imprisonment.

FURTHER AFFIANT SAYETH NOT.


Fernando Ramos, Deportation Officer
U.S. Immigration and Customs Enforcement

Subscribed and sworn before me
this 29th day of May 2008.


HONORABLE GERALDINE SOAT BROWN
UNITED STATES MAGISTRATE JUDGE